

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

YELIZAVETA ZHOVMIRUK, Individually
and on Behalf of All Others Similarly Situated,

Plaintiff,

vs.

REALPAGE, INC.; GREYSTAR REAL
ESTATE PARTNERS, LLC; LINCOLN
PROPERTY CO.; FPI MANAGEMENT, INC.;
MIDAMERICA APARTMENT
COMMUNITIES, INC.; AVENUE5
RESIDENTIAL, LLC; EQUITY
RESIDENTIAL; ESSEX PROPERTY TRUST,
INC.; THRIVE COMMUNITIES
MANAGEMENT, LLC; SECURITY
PROPERTIES INC.; HIGHMARK
RESIDENTIAL, LLC, CORTLAND
PARTNERS, LLC, and WINDSOR PROPERTY
MANAGEMENT COMPANY,

Defendants.

No. 2:22-cv-01779

STIPULATED MOTION AND
ORDER SUSPENDING
DEADLINE FOR CERTAIN
DEFENDANTS TO RESPOND TO
COMPLAINT

Pursuant to Local Civil Rules 7(d)(1), 7(j), and 10(g), Plaintiff Yelizaveta Zhovmiruk (“Plaintiff”) and Defendants RealPage, Inc., Lincoln Property Co., FPI Management, Inc., Mid-America Apartment Communities, Inc., Avenue5 Residential, LLC, Equity Residential, Essex Property Trust, Inc., Thrive Communities Management, LLC, Highmark Residential, LLC, and Windsor Property Management Company (collectively, the “Stipulating Defendants”), by and through their respective counsel, hereby stipulate as follows:

STIPULATED MOTION AND ORDER SUSPENDING DEADLINE
FOR CERTAIN DEFENDANTS TO RESPOND TO COMPLAINT
No. 2:22-cv-01779

1 WHEREAS, Plaintiff filed a Class Action Complaint (the “Complaint”) on December
2 16, 2022. ECF No. 1;

3 WHEREAS, Plaintiff served the Stipulating Defendants with process on or about March
4 17 and 20, 2023, and April 6, 2023;

5 WHEREAS, Plaintiff has not yet served Defendants Greystar Real Estate Partners,
6 LLC, Security Properties Inc., and Cortland Partners, LLC;

7 WHEREAS, the Complaint asserts a claim under Section 1 of the Sherman Act based
8 on the alleged use of RealPage, Inc.’s software;

9 WHEREAS, as of the date of this filing, the parties are aware that one or more of the
10 Stipulating Defendants are named in multiple other lawsuits, in United States District Courts in
11 Arizona, California, Colorado, the District of Columbia, Florida, Massachusetts, Tennessee,
12 Texas, and Washington, asserting claims under Section 1 of the Sherman Act based on the
13 alleged use of RealPage, Inc.’s software;

14 WHEREAS, on January 4, 2023, certain Stipulating Defendants and defendants named
15 in other actions filed a motion pursuant to 28 U.S.C. §1407 before the U.S. Judicial Panel on
16 Multidistrict Litigation (“JPML”) to transfer this case and several other cases to the U.S.
17 District Court for the Northern District of Texas for consolidated pretrial proceedings,
18 captioned *IN RE: RealPage, Inc., Rental Software Antitrust Litigation (No. II)* (“*In re:*
19 *RealPage*”), MDL No. 3071 (“MDL Petition”);

20 WHEREAS, on March 30, 2023, the JPML heard oral argument for the MDL Petition
21 in *In re: RealPage*;

22 WHEREAS, Plaintiff and the Stipulating Defendants have conferred and agreed that, in
23 light of the pending MDL Petition, the outcome of which will likely affect the procedural
24 posture of this action, party and judicial efficiency would be best served by suspending, for a
25 short period of time, the deadline for the Stipulating Defendants to answer, move to dismiss, or
26 otherwise respond to the Complaint;

27 STIPULATED MOTION AND ORDER SUSPENDING DEADLINE
FOR CERTAIN DEFENDANTS TO RESPOND TO COMPLAINT
No. 2:22-cv-01779

WHEREAS, similar orders have been entered in other related cases subject to Defendants' MDL Petition, including: *Bertlshofer v. RealPage, Inc. et al.*, No. 2:23-cv-00018 (D. Ariz.), *Enders v. RealPage, Inc. et al.*, No. 1:23-cv-00055 (D. Colo.), *Mackie v. RealPage, Inc. et al.*, No. 1:23-cv-00011 (D. Colo.), *Weaver v. RealPage, Inc. et al.*, No. 1:22-cv-03224 (D. Colo.), *Kramer v. RealPage, Inc. et al.*, No. 1:22-cv-03835 (D.D.C.), *Parker et al. v. RealPage, Inc. et al.*, No. 1:23-cv-20160 (S.D. Fla.), *Precht v. RealPage, Inc. et al.*, No. 1:22-cv-12230 (D. Mass.), *White v. RealPage, Inc. et al.*, No. 1:22-cv-12134 (D. Mass), *Watters v. RealPage, Inc. et al.*, No. 3:22-cv-01082 (M.D. Tenn.), *Carter v. RealPage Inc. et al.*, No. 1:22-cv-01332 (W.D. Tex.), *Vincin v. RealPage, Inc. et al.*, No. 1:22-cv-01329 (W.D. Tex.), *Alvarez et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01617 (W.D. Wash.), *Armas et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01726 (W.D. Wash.), *Boelens v. RealPage, Inc. et al.*, No. 2:22-cv-01802 (W.D. Wash.), *Bohn et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01743 (W.D. Wash.), *Cherry et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01618 (W.D. Wash.), *Crook v. RealPage, Inc. et al.*, No. 2:23-cv-00054 (W.D. Wash.), *Hardie v. RealPage, Inc. et al.*, No. 2:23-cv-00059 (W.D. Wash.), *Johnson v. RealPage, Inc. et al.*, No. 2:22-cv-01734 (W.D. Wash.), *Morgan et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01712 (W.D. Wash.), *Navarro v. RealPage, Inc. et al.*, No. 2:22-cv-01552 (W.D. Wash.), *Pham et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01744 (W.D. Wash.), and *Silverman et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01740 (W.D. Wash.);

WHEREAS, in making this stipulation, the Stipulating Defendants do not waive, in this or any other action, any (i) defenses or arguments for dismissal that may be available under Fed. R. Civ. P. 12; (ii) affirmative defenses under Fed. R. Civ. P. 8, including defenses based on class action waivers; (iii) other statutory or common law defenses that may be available; or (iv) right to seek or oppose any reassignment, transfer, or consolidated alternatives, including to seek arbitration. The Stipulating Defendants expressly reserve their rights to raise any such

1 defenses (or any other defense) in response to either the Complaint or any original, amended, or
2 consolidated complaint that may be filed in this or any other action.

3 THEREFORE, Plaintiff and the Stipulating Defendants stipulate and agree to suspend
4 the deadlines for the Plaintiff to file an amended consolidated complaint, and for Stipulating
5 Defendants to answer, move to dismiss, or otherwise respond to the Complaint, and request that
6 the Court enter the subjoined order pursuant to this stipulation.

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8 STIPULATED to this 6th day of April 2023
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We certify that this memorandum contains 794 words, in compliance with the Local Civil Rules.

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STIPULATED MOTION AND ORDER SUSPENDING DEADLINE
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No. 2:22-cv-01779

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STIPULATED MOTION AND ORDER SUSPENDING DEADLINE
FOR CERTAIN DEFENDANTS TO RESPOND TO COMPLAINT
No. 2:22-cv-01779

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STIPULATED MOTION AND ORDER SUSPENDING DEADLINE
 FOR CERTAIN DEFENDANTS TO RESPOND TO COMPLAINT
 No. 2:22-cv-01779

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ORDER

THIS MATTER came before the Court on the parties' Stipulated Motion to Suspend the Deadline for Certain Defendants to Respond to the Complaint. Now, therefore, IT IS HEREBY ORDERED THAT:

The deadline for Defendants RealPage, Inc., Lincoln Property Co., FPI Management, Inc., Mid-America Apartment Communities, Inc., Avenue5 Residential, LLC, Equity Residential, Essex Property Trust, Inc., Thrive Communities Management, LLC, Highmark Residential, LLC, and Windsor Property Management Company to answer, move to dismiss, or otherwise respond to the Complaint is hereby suspended and shall be set on the same date as the deadline ultimately established for *Alvarez et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01617 (W.D. Wash.), *Cherry et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01618 (W.D. Wash.), *Morgan et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01712 (W.D. Wash.), and *Armas et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01726 (W.D. Wash.).

Dated this 7th day of April, 2023.



Robert S. Lasnik
United States District Judge